

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

MELVIN JOSEPH SIMMONS,

Plaintiff,

v.

U.S. DEPARTMENT OF HEALTH,  
EDUCATION AND WELFARE, et al.,

Defendants.

Case No. 1:23-cv-00970-SAB

**ORDER TO SUBMIT APPLICATION TO  
PROCEED IN FORMA PAUPERIS OR PAY  
FILING FEE WITHIN 45 DAYS**

Plaintiff Melvin Joseph Simmons ("Plaintiff") is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has not paid the \$402.00 filing fee or submitted an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915.

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of the Court is DIRECTED to forward an *in forma pauperis* application to Plaintiff;
2. Within forty-five (45) days of the date of service of this order, Plaintiff shall either (1) submit the attached application to proceed *in forma pauperis*, completed and signed, or (2) pay the \$402.00 filing fee for this action;
3. No requests for extensions will be granted without a showing of good cause; and

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4. Failure to comply with this order will result in dismissal of this action.

IT IS SO ORDERED.

Dated: **June 30, 2023**

A handwritten signature in blue ink, appearing to read "Emily A. Be", is written over a horizontal line.

UNITED STATES MAGISTRATE JUDGE